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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,362	09/12/2003	Ronald F. Gruia	11186STUS02C (NORT10-0035)	6761
33000	7590	12/15/2005	EXAMINER GAUTHIER, GERALD	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/661,362

Applicant(s)

GRUIA ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on April 19/2004 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim(s) 21-40** are rejected under 35 U.S.C. 102(b) as being anticipated by Dumas et al. (US 5,519,773).

Regarding **claim(s) 21, 30, 39 and 40**, Dumas discloses a method of assigning a number of agents in a pool of agents to a preferred state and assigning a number of agents in the pool of agents to another state, where the preferred state is one of an inbound state and an outbound state and the other state is one of the outbound state and the inbound state (FIG. 1 and column 1, lines 6-7), the method comprising:

determining a first number of agents for assignment to the preferred state based on an expected call rate (column 3, lines 11-26);

determining a second number of agents for assignment to the preferred state at a first time based on a first call rate sampled at the first time, and assigning the second number of agents to the preferred state (column 3, lines 11-26);

determining a third number of agents for assignment to the other state at the first time based on the magnitude between the first number of agents and the second number of agents, and assigning the third number of agents to the other state (column 3, lines 46-53);

receiving a second call rate sampled at a second time (column 3, lines 28-33);

determining a fourth number of agents for assignment to the preferred state at the second time based on the received second call rate sampled at the second time (column 3, lines 54-59); and

changing the number of agents assigned to the preferred state by an amount equal to the magnitude between the second number and the fourth number (column 3, lines 60-67).

Regarding **claim(s) 22 and 31**, Dumas discloses a method, wherein the preferred state is the inbound state (column 3, lines 11-26).

Regarding **claim(s) 23 and 32**, Dumas discloses a method, wherein the first number of agents for assignment to the preferred state is based on a grade of service specification (column 4 lines 15-21).

Regarding **claim(s) 24 and 33**, Dumas discloses a method, wherein the grade of service specification comprises a probability that an inbound call will be in a queue for a time longer than a specified time period (column 4, lines 15-21).

Regarding **claim(s) 25 and 34**, Dumas discloses a method, wherein the first number of agents for assignment to the preferred state is based on an average call duration (column 4, lines 53-65).

Regarding **claim(s) 26 and 35**, Dumas discloses a method, further comprising changing the number of agents assigned to the other state by an amount equal to the magnitude between the second number and the fourth number (column 4, lines 53-65).

Regarding **claim(s) 27 and 36**, discloses a method, further comprising:  
receiving agent activity information (column 3, lines 11-26); and  
if changing of the number of agents assigned to the preferred state indicates a decrease in the number of agents assigned to the preferred state, reassigning a number of idle ones of the number of agents assigned to the preferred state to the other state (column 3, lines 11-26).

Regarding **claim(s) 28 and 37**, Dumas discloses a method, further comprising:  
receiving a third call rate sampled at a third time (column 3, lines 11-26);

determining a fifth number of agents for assignment to the preferred state at the third time based on the received third call rate sampled at the third time (column 3, lines 11-26); and

changing the number of agents assigned to the preferred state by an amount equal to the magnitude between the fourth number and the fifth number (column 3, lines 11-26).

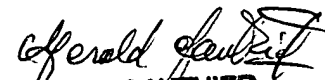
Regarding **claim(s) 29 and 38**, Dumas discloses a method, further comprising:  
determining a rate of change between the call rate at the first time and the call rate at the second time (column 3, lines 11-26); and  
adaptively altering an update interval for call rate sampling (column 4, lines 52-65).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**

Gerald Gauthier  
Examiner  
Art Unit 2645

gg  
December 8, 2005